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September 26, 2017

Via ECF
Honorable Ramon E. Reyes
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Miranda v. General Auto Body Works, Inc., et. al.
Case No.: 17-CV-4116 (AMD)(RER)
Joint Letter regarding discovery conference

Dear Judge Reyes:

Please be advised that I am in receipt of the scheduling of the Rule 26 conference, currently scheduled for October 5, 2017. In this regard, the parties are at a temporary impasse as to the nature and extend of the discovery.

In the above regard, Defendant filed a pre-answer motion to dismiss the state law claims that are presented in the complaint. Subsequent to the filing of the motion, the Court (Donnelly, J.) requested an application for a pre-motion conference be made. This request has now been filed, and we expect a motion briefing schedule on the same.

In addition, Plaintiff has moved for condition class certification. That motion has been answered and a Reply is forthcoming.

If Defendant's dispositive motion is successful, the discovery will be limited to three years of records under an FLSA claim. Should Defendant's motion not be successful, then discovery would be extended to six years under the New York Labor Law claims.

Moreover, the nature and extent of the discovery will also revolve around whether conditional class action status on the FLSA claims is granted and, if it is granted, the time-period of the discovery as all the state law claims from the potential class has been released.

In light of these two issues (both of which are currently being addressed through motion practice), it is difficult for the parties to stipulate to the nature, scope and extent of the disclosure.

Thank you for your understanding in this matter.

Very Truly Yours,
THE LAW OFFICE OF JASON TENENBAUM PC

/s/ Jason Tenenbaum

JT: